

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BLUE HILLS OFFICE PARK LLC,

Plaintiff, Defendant-in-Counterclaim.

v.

J.P. MORGAN CHASE BANK, as Trustee for the
Registered Holders of Credit Suisse First Boston
Mortgage Securities Corp., Commercial Mortgage
Pass-Through Certificates, Series 1999-C1,

and

CSFB 1999-C1 ROYALL STREET, LLC,

Defendants, Plaintiffs-in-Counterclaim,

v.

WILLIAM LANGELIER and GERALD
FINEBERG,

Defendants-in-Counterclaim.

Civil Action No. 05-CV-10506 (WGY)

**DEFENDANTS AND PLAINTIFFS-IN-COUNTERCLAIM'S
MOTION TO STRIKE ALTERATIONS TO
DEPOSITION TESTIMONY OF GERALD FINEBERG**

Defendants and Plaintiffs-in-Counterclaim CSFB 1999-C1 Royall Street, LLC ("CSFB") and J.P. Morgan Chase Bank, as Trustee for the Registered Holders of Credit Suisse First Boston Mortgage Securities Corp., Commercial Mortgage Pass-Through Certificates, Series 1999-C1 (the "Trustee") (together with CSFB, the "Lender") hereby move to strike material deposition testimony alterations made on the errata sheet to the deposition testimony of defendant-in-

counterclaim Gerald Fineberg.

The Lender's motion to strike should be granted because (1) although the alterations purport to be "corrections" to Mr. Fineberg's deposition testimony as permitted by Fed. R. Civ. P. 30(e) ("Rule 30(e)"), they fail to comply with the requirements of that rule; and (2) the alterations, which directly contradict Mr. Fineberg's deposition testimony, were submitted in a bad faith attempt to manufacture an otherwise nonexistent issue of fact in hopes of defeating the Lender's motion for summary judgment. In further support of this motion J.P. Morgan and CFSB rely on the memorandum of law filed herewith.

Respectfully submitted,

CSFB 1999-C1 ROYALL STREET, LLC,
and J.P. MORGAN CHASE BANK, as Trustee for
the Registered Holders of Credit Suisse First Boston
Mortgage Securities Corp., Commercial Mortgage
Pass-Through Certificates, Series 1999-C1,

By their attorneys,

/s/ Traci S. Feit

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